

The State Licensing Board for Residential and General Contractors met on June 18, 2008 at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia, for the purpose of conducting Board business.

**Members Present:**

Philip Thayer, Board Chairperson  
Hoppy Hopkins, Board Vice Chairperson  
Timothy Ansley  
Bob Barnard  
Steve Cash  
David Cyr  
Tommy Holder  
Roger Huggins  
Edward Strain, III  
Morgan Wheeler

**Members Absent:**

Dan Cash  
Melissa Henderson  
Mark Herbert  
Allen Richardson

At 8:03 a.m., Chairperson Thayer established that a quorum was present and called the meeting to order.

A motion was made by Bob Barnard, seconded by Hoppy Hopkins, and the Board voted unanimously to accept the June 4, 2008 full Board meeting minutes.

A motion was made by Steve Cash, seconded by Bob Barnard, and the Board voted unanimously to accept the June 13, 2008 Residential Division Conference Call minutes.

Scarlett Elliott, Board Attorney, delivered the Attorney General's Report.

Ms. Elliott presented seven Consent Orders for acceptance by the Board. These orders had been drafted by Ms. Elliott at the Board's request, mailed to applicants Craig C. Butt, Robert Glenn Forrester, Jr., Jason Anthony Fritz, Peter L. Gordon, Christopher Lyn Hughes, John W. Johnson and David William Sturm, and returned to Ms. Elliott signed by the applicants. The Consent Orders for these applicants allow them to be licensed under probationary terms.

A motion was made by Timothy Ansley, seconded by Edward Strain, and the Board voted unanimously to accept the Consent Orders.

A motion was made by Bob Barnard, seconded by Morgan Wheeler, and the Board members present: Philip Thayer, Hoppy Hopkins, Timothy Ansley, Bob Barnard, Steve Cash, David Cyr, Tommy Holder, Roger Huggins, Edward Strain and Morgan Wheeler,

voted unanimously to enter into Executive Session for applicant appearances and application discussion.

The divisions separated and appearances and discussions for each division ensued.

At this point in the meeting, the two divisions reconvened.

Open Session was declared by Chairperson Thayer.

Chairperson Thayer stated that it was time to elect a new Chairman and Vice Chairman of the Board.

A motion was made by Bob Barnard, seconded by David Cyr, and the Board voted unanimously to elect Hoppy Hopkins as Chairman of the full Board and Philip Thayer as Vice Chairman of the full Board.

The Chairman and Vice Chairman for each division, who each serve a two (2) year term, will be elected at the end of Mr. Hopkins' term.

Chairperson Thayer discussed a letter that was received from the Inspections and Code Department of Columbus, Georgia. This municipality has requested to keep their local licensing in effect for twelve months. They would like the Board to recognize them until they have completely eliminated their local licensing process.

Mr. Barnard stated there are about 25 to 30 jurisdictions that have local licensing. With a local license the person can build within their jurisdiction. Scarlett Elliott, Board Attorney, stated that O.C.G.A. § 43-41-17(c) provides for that.

David Cyr, Roger Huggins and Tommy Holder expressed their concerns regarding this issue. Mr. Holder asked why the Board would have to take a position on such if the law already addresses this issue. Ms. Elliott said O.C.G.A. § 43-41-17(c)(2)(A) states, "The requirements and criteria for issuance of such local license, registration, or certification shall have been at least as strict and stringent, in the sole judgment of the board, as those for the issuance of a corresponding state-wide license issued under this chapter." Ms. Elliott asked if Columbus' requirements are as strict and stringent as the State's requirements. Ms. Elliott reminded the Board that some people applied for exam exemption under O.C.G.A. § 43-41-8, and the Board determined that none of the exams for the local jurisdictions were substantially similar to the state exam. She advised that would be something to consider.

Discussion ensued.

Hoppy Hopkins stated that he would like the minutes to reflect that the Board is in receipt of the letter and will not take any action at this time. This matter will be tabled for further review.

A motion was made by Bob Barnard, seconded by Tommy Holder, and the Board members present: Philip Thayer, Hoppy Hopkins, Timothy Ansley, Bob Barnard, Steve

Cash, David Cyr, Tommy Holder, Roger Huggins, Edward Strain and Morgan Wheeler, voted unanimously to enter into Executive Session for application discussion.

Open Session was declared by Chairperson Thayer.

A motion was made by Bob Barnard, seconded by Tommy Holder, and the Board voted unanimously to uphold the previous vote of denial for the following applicant for licensure by examination exemption:

Kennedy, Roger Wade (Light Individual)

Chairperson Thayer stated that he had spoken with Secretary of State Karen Handel regarding the Board's previous vote at the June 4, 2008 meeting to not change the expiration date of the Residential and General Contractor licenses. The current expiration date is November 30<sup>th</sup> of odd years. The agency was interested in moving this date to allow for a full twenty-four month initial license period. The new expiration date would be June 30<sup>th</sup> of even years. Ms. Handel strongly feels that the two year expiration date should remain. David Cyr stated he thought there was an issue with the cost of reissuing the licenses with the new expiration date. Chairperson Thayer stated he told Ms. Handel that he would bring the issue back to the Board for their consideration. Hoppy Hopkins stated he would like the minutes to reflect that the vote is being taken at the request of Secretary of State Karen Handel.

A motion was made by Bob Barnard, seconded by Tommy Holder, and the Board voted unanimously to change the expiration date of the Residential and General Contractor licenses to June 30<sup>th</sup> of even years.

Roger Huggins and David Cyr expressed their concerns over the upcoming July 1, 2008 deadline and the interpretation of the law regarding contracts held prior to July 1, 2008. Mr. Huggins stated that hundreds of millions of dollars worth of contracts would be potentially stopped and this would have a major economic impact. Ms. Elliott also advised that her interpretation of the law did not support the Board's position. Mr. Cyr suggested drafting a letter to Secretary of State Karen Handel stating the Board's position.

A motion was made by David Cyr, seconded by Tommy Holder, and the Board voted unanimously to draft a letter stating that it is the position of the Board that all building projects, for which valid contracts were entered into prior to July 1, 2008, do not require a license to be completed.

The motion was amended to state that staff be allowed to draft the letter and then send to David Cyr and Tommy Holder for approval, and forward to all Board members for their signature.

Ms. Elliott stated that she would like the minutes to reflect that the Board voted on this issue without seeking advice from counsel.

At this point in the meeting the two Divisions separated.

A motion was made by Tommy Holder, seconded by David Cyr, and the General Division voted unanimously to enter into Executive Session for applicant appearances and application discussion. The Residential Division remained in Open Session.

Kevin Veler, of Legal Counsel for Business and Construction, is representing the Georgia chapter of the National Kitchen and Bath Association (NKBA). At the June 4, 2008 meeting, Mr. Veler discussed his proposal for a Limited Service Specialty listing for Kitchen & Bath Design/Installer and was advised by the Specialty Contractor Committee to put his proposal in writing and present back to the Committee at today's meeting. Mr. Barnard requested Mr. Veler clearly define what the job description entails. Mr. Veler read his revised proposal, which stated:

*The following are allowable categories of work that may be completed or coordinated:*

- *Design and space use drawings, configurations and plans and specifications for kitchens and baths, including open area designs and expansions and changes in the structure; however, actual design, construction, removal or demolition of any load bearing support walls or structural beams, or changes impacting the structural integrity of the real property is not a part of the specialty.*
- *Design configurations and specifications for cabinetry, countertops fixtures, storage, furniture and furnishings, hardware, appliances and equipment (including new communications and entertainment technology).*
- *Design, specifications, selection and coordination of installation implementation of backsplashes, wall treatments and floor treatments, millwork, trimwork and finish work, however, the actual construction or installation is not a part of the specialty and the specialty specifically excludes construction management where the specialty is "at risk."*
- *Design, specifications, selection and coordination of implementation of venting, lighting design and reflective ceiling plans; however, the actual construction or installation is not a part of the specialty and the specialty specifically excludes construction management where the specialty is "at risk."*
- *Design and space drawings, configurations and plans for electrical, heating and air conditioning systems; however, the actual work of relocating or constructing any systems is not a part of the specialty and the specialty specifically excludes construction management where the specialty is "at risk."*
- *Coordination and review of plan implementation and designs on behalf of owner (excluding management of actual construction).*
- *Project coordination and general administration (excluding management of actual construction), quality review and consultation on behalf of owner; specifically excluding construction management where the specialty is "at risk".*
- *Management and oversight of installation of cabinetry, countertops, appliances and other kitchen and bath equipment; provided such items are actually installed by (A) the manufacturer, distributor or retailer of such product or (B) the inhouse or independent qualified installers, approved or certified by the manufacturer, distributor or retailer.*

Mr. Barnard expressed his concerns over the wording “coordination” and would like it further defined. Mr. Veler will send this information to Ms. Battle and she will disseminate to the Board.

A motion was made by Bob Barnard, seconded by Edward Strain, and the Residential Division voted unanimously to enter into Executive Session for applicant appearances and application discussion.

The applicant appearances for the Residential Division will be voted on at the June 19, 2008 Residential Division Conference Call.

Open Session was declared by the General Contractor Division.

A motion was made by Tommy Holder, seconded by David Cyr, and the General Division voted unanimously to approve the recommendations made in Executive Session. Those actions were as follows:

The Division voted unanimously to uphold the previous vote of denial for the following applicants for licensure by examination exemption:

Chester, Steven Patrick (Individual)  
Gulas, Steven Michael (Qualifying Agent for Tiernan & Patrylo, Inc.)  
Weekley, Carl William (Qualifying Agent for A.C.W., Inc.)  
Cannon, William Eric (Qualifying Agent for The Walker School, Inc.)

The Division voted unanimously to uphold the previous vote of denial for the following applicant for licensure by examination:

Keys, Stephen Patrick (Qualifying Agent for Scherer Construction of Middle GA, LLC)

The Division voted unanimously to table the following for further review:

Latimer, Charles Toby (Individual)  
Latimer, Wesley Daniel (Individual)  
Johnson, Jeffory Fred (Qualifying Agent for Western Waterproofing Co. of America)  
Driskell, Cris J. (Qualifying Agent for Executive Construction Services, Inc.)  
Swinson, John Thomas (Qualifying Agent for Arc Rite Industrial Contractors, Inc.)  
Sheehan, Brendan T. (Qualifying Agent for Dan J. Sheehan Company, Inc.)  
Godfrey, Gary Bryan (Qualifying Agent for Universal Equipment Maintenance, Inc.)  
Willingham Jr., James Thomas (Qualifying Agent for Willingham Mechanical, Inc.)  
Sims, Fred Edward (Qualifying Agent for FE Sims Enterprises, Inc.)  
Ilugbo, Clement Kola (Qualifying Agent for The Acme Group, LLC)  
Onwudegu, Oji John (Qualifying Agent for The Acme Group, LLC)

The Division voted unanimously to uphold the previous vote of denial for the following applicant as a General Contractor Individual, but approve the application for licensure by examination exemption as a General Contractor Qualifying Agent for J N Thompson Construction Co., Inc.:

Thompson, Vincent Gabriel

The Division voted to uphold the previous vote of denial for the following applicants for licensure by examination exemption, but suggested submission of a Residential-Light Commercial application:

Suddes, James M. (Qualifying Agent for JMS & Associates, Inc.)  
Carroll, Bryan Scott (Individual)

The Division voted unanimously to overturn the previous vote of denial for licensure by examination exemption of the following:

Appleby, William Alan (Qualifying Agent for Johnson Controls, Inc.)  
Quarles Jr., Warren Edgar (Qualifying Agent for Foundation Contractors, Inc.)  
Singh, Manohar (Qualifying Agent for Paramount Contracting Company, Inc.)  
Gravel, Alan Charles (Qualifying Agent for Willow Construction, Inc.)  
Zakas, Dennis George (Qualifying Agent for Waterproofing Contractors, Inc.)  
Lindsey, Benjamin Wiley (Individual)  
Hightower, Thomas Jeffrey (Qualifying Agent for Washington County Machine Shop, Inc.)  
Page, Steven Michael (Qualifying Agent for Pendleton Creek Farms Construction, Inc.)  
Page, Jeff (Qualifying Agent for Pendleton Creek Farms Construction, Inc.)  
Page, Raymond Derek (Qualifying Agent for Pendleton Creek Farms Construction, Inc.)  
Page, Jeffery Allen (Qualifying Agent for Pendleton Creek Farms Construction, Inc.)  
Jolluck, Lawrence Michael (Qualifying Agent for Jolluck Designs, Inc.)  
Timmons, Trena Lynn (Qualifying Agent for Steve Ayers Construction Co., Inc.)  
Hunter, William Dale (Individual)

A motion was made by Roger Huggins, seconded by Timothy Ansley, and the General Division voted unanimously to approve the recommendations made in Executive Session. Those actions were as follows:

The Division voted unanimously to table the following for further review:

Hagan, H. Waymon (Qualifying Agent for Hagan Construction, Inc.)  
Schad, Keith C. (Qualifying Agent for Schadsons Corporation)  
Allnutt, Mark Edward (Qualifying Agent for Skanska USA Building, Inc.)  
Engsberg, Towson Paul (Qualifying Agent for Skanska USA Building, Inc.)

The Division voted unanimously to overturn the previous vote of denial for licensure by examination exemption of the following pending additional documentation:

Kwok, Kin Man (Individual)  
Cox, Paul A. (Individual)

The Division voted unanimously to overturn the previous vote of denial for licensure by examination exemption of the following:

Ashmore, Louis Norton (Qualifying Agent for CAA/Hardin, A Joint Venture)  
Colquitt, David Bowen (Individual)  
Caudell, Bobby (Individual)  
Jayne, Nehemiah (Individual)  
Kisseih, Henrietta (Qualifying Agent for Kissberg Construction, Inc.)  
Patel, Rasik (Qualifying Agent for VR Developers, Inc.)  
Roth, Joshua Allen (Qualifying Agent for Creative Customs, LLC)

The Division voted unanimously to approve the following for licensure obtained by prior approval status:

Shell Jr., Earl Leon (Qualifying Agent for Argonaut Builders, LLC)

The Division voted unanimously to uphold the previous vote of denial for the following applicant for licensure by examination exemption:

Moore, Wendell I. (Qualifying Agent for Moore Walters Construction & Management)  
Phillips, Tracey W. (Qualifying Agent for T.W. Phillips Grading, Inc.)  
Coffman, Larry Dean (Qualifying Agent for Coffman Grading Company, Inc.)

The Division voted to uphold the previous vote of denial for the following applicants for licensure by examination exemption, but suggested submission of a Residential-Light Commercial application:

Mendoza, J. Gregory (Individual)  
Tyson, William Bradley (Qualifying Agent for Tyson Steel Building Products, Inc.)

The Division voted unanimously to deny licensure by examination exemption of the following:

Budd III, Roger McCartney (Qualifying Agent for Budd Properties, Inc.)

The Division voted unanimously to deny licensure by examination of the following:

Hawkins, Joyce Ann (Qualifying Agent for CCC Contracting, Inc.)  
Ingram, Gary Donald (Qualifying Agent for Gary Ingram Grading & Paving, Inc.)

A motion was made by Roger Huggins, seconded by Timothy Ansley, and the General Division voted unanimously to uphold the previous vote of denial for the following applicant for licensure by examination exemption as a General Contractor Qualifying Agent for Stellar Contracting, Inc., but table the following for further review:

Stokes, Joseph K. (Individual)

An Open Records Request was submitted by Charles H. Van Horn, Esquire, regarding applicant M.J.L. (Residential Basic Qualifying Agent). A motion was made by Roger Huggins, seconded by Timothy Ansley, and the General Division voted unanimously to deny the open records request.

With no other business for the Board to discuss, a motion was made by Roger Huggins, seconded by Timothy Ansley, and the Board voted unanimously to adjourn the meeting at 6:05 p.m.

**Minutes recorded by:**

**Brandi Howell, Board Secretary**

**Minutes Edited/Reviewed by:**

**Tanja D. Battle, Executive Director**